Remarks

Claims 1-7, 12, 17-20, and 23-25 are pending in the application before entry of this amendment. By way of this amendment, claims 3, 5, 6, 7, 10-12, and 17-19 have been amended, claims 1, 2, 4, 10, 11, 21, and 22 have been canceled, and claims 26-32 have been newly added.

Informalities

Claim 6 is objected to because the phrase "3-" is missing in the first compound name. This informality has been corrected by amendment to claim 6.

Claim 6 recites a list of compounds, including two compounds that are sodium salts. This salt recitation is redundant with the recited "pharmaceutical acceptable salt" language of the claim and has been canceled. Support for the amendment is provided on page 10, lines 27-28 of the originally-filed specification.

Rejection under 35 USC 112, 1st Paragraph

Claims 1-5, 7, 10-12, 17-18, and 20-24 are rejected under 35 USC 112, first paragraph as not being enabled. Specifically, the Office Action asserts that the specification does not enable a skilled pharmacologist or physician to use the invention commensurate in scope with the claims.

Claims 1, 2, 4, 10, 11, 21, and 22 have been canceled. Claim 5 has been rewritten in independent format to recite the compound of formula (II), including pharmaceutical derivatives thereof. Claim 5 now includes the recitations of canceled claim 1, and now forms the basis for dependent claims 3, 7, 12, 17-18, 29, and 30.

Regarding claim 5, substituent "A" has been defined as a six-membered ring having components W, X, Y, and Z as defined herein. Examples of various configurations of the six-membered ring are provided throughout the specification, for instance examples 28, 29, 44, 90, and 134. Substituent "R1" has been defined as CO2H. Support is provided on page 2, lines 14 and 23. Substituent "R2" has been defined as selected from a list of

exemplified substituents. See, for instance, examples 11, 24, 33, 34, 42, and 128. Substituent "Rx" has been defined as an optionally substituted benzyl. Support for various substitutions of the benzyl substituent is provided throughout the examples. Thus, each of substituents "A", "R1", "R2", and "Rx" has support in the specification.

Claims 20, 23, and 24 depend from claim 19, which recites a specifically exemplified compound (see example 29). Thus, claims 20, 23, and 24 are enabled for the recited compound.

Claims 26-28 have been added to further specify compound of claim 5. Support for the claims is provided on page 5, lines 1-30, of the original specification. No new matter has been added.

Claims 18, 21, 22, and 23 are method of treatment claims that stand rejected under 35 USC 112, first paragraph as not being enabled. Specifically, the Office Action asserts that the specification does not provide enablement for treating all types of conditions recited in the claims.

In response, claims 21 and 22 have been canceled, and claims 29-32 have been added. The method of treatment claims continue to recite methods of treating inflammatory pain, neuropathic pain, visceral pain, pain associated with migraine, and methods of treating neurodegeneration. In addition, the method of treatment claims now recite methods of treating postoperative pain and methods of providing neuroprotection. Support for treatment of postoperative pain is provided on page 17, line 35 of the originally-filed specification, and support for providing neuroprotection is provided on page 19, lines 29-31 of the originally-filed specification.

Rejection under 35 USC 112, 2nd Paragraph

Claims 1-5, 7, 10-12, 17-18, and 20-24 are rejected under 35 USC 112, second paragraph as being indefinite. Specifically, the Office Action questions various definitions used within the claims.

The term "substituted" as used in the claims is objected to as indefinite and unclear because possible substituents are not specified in the claim. However, the meaning of every term used in a claim should be apparent from the prior art or *from the specification* and drawings at the time the application

is filed. MPEP 2173.05(a). Here, the possible substituents are specified on page 14, lines 15-22 of the originally-filed specification. Thus, the term "substituted" is definite in view of the specification.

The term "heterocyclyl ring" is objected to as unclear. The term is defined on page 13, lines 19-25 of the originally-filed specification. Note, "heterocyclyl" is defined as including aromatic or non-aromatic rings, whereas "heteroaryl" is defined (page 13, lines 33-42) as only including aromatic rings. Thus, the definitions of heterocyclyl and heteroaryl are not duplicative.

The term "derivative" is objected to as indefinite. Throughout the claims, the term "pharmaceutically acceptable derivative" has been amended to recite "pharmaceutically acceptable salt, ester, salt of such ester, or solvate". Support for the amendment is provided on page 11, lines 16-20 of the originally-filed specification.

Conclusion

Applicants respectfully submit that the instant application is in condition for allowance, which action is respectfully requested. The Examiner is invited to contact the undersigned at (919) 483-8160, to discuss this case, if desired.

Respectfully submitted,

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